

HOUSE No. 815

By Mr. Linsky of Natick, petition of David Paul Linsky and others for legislation to increase the penalties for operating a motor vehicle after suspension of license for driving while under the influence of intoxicating liquor. The Judiciary.

The Commonwealth of Massachusetts

PETITION OF:

David Paul Linsky	Karen E. Spilka
Michael E. Festa	Matthew C. Patrick
Cory Atkins	Thomas J. O'Brien
Stephen M. Brewer	

In the Year Two Thousand and Five.

AN ACT TO INCREASE THE PENALTIES FOR OPERATING A MOTOR VEHICLE WHILE SUSPENDED UNDER SUSPENSION FOR REFUSING A CHEMICAL TEST.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 23 of chapter 90 of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 inserting, in line 1 before the word "Any" the following figure:— (1).

1 SECTION 2. Said section 23, as so appearing, is hereby
2 amended by inserting, in line 40 before the word "Any" the
3 following figure:— (2).

1 SECTION 3. Said section 23, as so appearing, is hereby further
2 amended by inserting, after line 68, the following paragraph:—
3 (3) Any person convicted of operating a motor vehicle after his
4 license or rights to operate has been suspended or revoked pur-
5 suant to a violation of paragraph (f) of subdivision (l) of section
6 24 of this chapter for refusing or failing a chemical test, shall be
7 punished by imprisonment for ten days, which sentence shall not
8 be reduced nor suspended. The provisions of section eighty-seven

9 of chapter two hundred and seventy-six shall not apply to any
10 person charged with a violation of this paragraph. Prosecutions
11 commenced under this paragraph shall not be placed on file or
12 continued without a finding.

1 SECTION 4. Said section 23, as so appearing, is hereby further
2 amended by striking the paragraph, beginning in line 81, and by
3 inserting the following paragraph:—

4 Upon a conviction of operating after suspension or revocation
5 under paragraph (1) of this section, the registrar shall extend said
6 suspension or revocation for an additional sixty days. Upon a con-
7 viction of operating after suspension or revocation under para-
8 graphs (2) or (3) of this section, the registrar shall extend said
9 suspension or revocation for an additional year.